IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7490 OF 2004

Jan Surajya Shakti & Anr. .. Petitioners

V/s

Election Commission of India & Anr. .. Respondents

Mr.S.G. Aney with Mr.M.L. Patil for the petitioners.

Mr.Pradeep Rajgopal for Respondent No.1.

CORAM : H.L. GOKHALE &
SMT.NISHITA MHATRE, JJ.

DATE : 17TH SEPTEMBER 2004

P.C. :

1. Heard Mr.Aney for the petitioners and Mr.Rajgopal for respondent No.1.

2. This petition is filed to claim one symbol for the candidates which the 1st petitioner - political party is proposing to put up in the ensuing election to the Maharashtra Legislative Assembly. The 1st petitioner - political party is a registered political party, but it is not a recognised political party and, therefore, as a matter of right it is not entitled to a reserved symbol. Mr.Aney has made various submissions in this behalf. However, after making his submissions, in view of the statement made by Mr.Rajgopal, he has not pressed this petition any further. The statement made

by Mr.Rajgopal is that in the event of any conflict of claim by any independent candidates as against a candidate of an unrecognised party like the 1st petitioner - political party, candidate of such a party is given a preference. He has stated that similarly if the candidates of the 1st petitioner party apply for a particular symbol, these candidates will be given preference in alloting the particular symbol as against the claim made by independent candidates for that symbol. Mr.Aney has made a further request that in a contest between two unrecognised political party, the decision may be left to the Returning Officer. As far as this submission of Mr.Aney is concerned, Mr.Rajgopal has declined to make any commitment.

3. In view of what is stated above, Mr.Aney is presently satisfied and does not press this petition any further. The petition stands disposed of.

(H.L. GOKHALE, J.)

(SMT. NISHITA MHATRE J.)